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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/705,852 | 11/13/2003 | Don Odell | ASC-21 | 4893 |
| 28230 | 7590 | 08/08/2005 | EXAMINER | |
| H JAY SPIEGEL P.O. BOX 444 MOUNT VERNON, VA 22121 | | | RATCLIFFE, LUKE D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3662 | |

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,852

Applicant(s)

ODELL, DON

Examiner

Luke D. Ratcliffe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/13/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-16, 21, and 22 is/are rejected.
- 7) ☒ Claim(s) 7-11 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1) The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 1, 4, 5, 6, 12, 13, 16, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa (5502568).

Referring to claim 1 Ogawa shows a sensor for determining the angular position of a radiating point with a point source (figure 10 Ref 55), a light detector (figure 10 Ref 53), a two dimensional mask (figure 10 Ref 52), and the light detector detects the angle between the source and detector (column 2 line 20-35).

Referring to claim 4 Ogawa shows a digital or discretely varying pseudo-random transmissivity component (figure 11 and figure 12).

Referring to claim 5 Ogawa shows a pattern of V-shapes (figure 11).

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Referring to claim 6 Ogawa shows a pattern of V-shapes that at least some of them overlap each other (figure 11).

Referring to claim 13 Ogawa shows a detector comprising of a charged coupled device (column 4 line 25-56).

Referring to claim 12 Ogawa shows a mask that is rectangular (figure 10).

Referring to claim 16 Ogawa shows a sensor for determining the angular position of a radiating point with a point source (figure 10 Ref 55), a light detector (figure 10 Ref 53), a two dimensional mask with a pseudo-random surface pattern with overlapping V-shapes (figure 10 Ref 52), and the light detector detects the angle between the source and detector (column 2 line 20-35).

Referring to claim 21 Ogawa shows a detector comprising of a charged coupled device (column 4 line 25-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 2, 3, 14, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Ellis (4092072).

Referring to claim 2 Ellis shows a analog or continuously varying pseudo-random sequence of V-shapes (figure 1). It would have been obvious to modify Ogawa to

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include the analog or continuously varying pseudo-random sequence of V-shapes because the employment of this type of signal is easily done with a CCD device

Referring to claim 3 Ellis shows an analog or continuously varying pseudo-random transmissivity component (figure 1). It would have been obvious to modify Ogawa to include the analog or continuously varying pseudo-random sequence of V-shapes because the employment of this type of signal is easily done with a CCD.

Referring to claim 14 Ogawa as modified shows a charged coupled device (CCD) (column 4 line 25-56). It would have been obvious to modify Ogawa to include a charged coupled device because this is a common method for sensing light.

Referring to claim 15 Ellis shows a mask that extends laterally of the detector (figure 1). It would have been obvious to modify Ogawa to include a mask that extends laterally over the detector because it blocks any unwanted light that would otherwise get to the sensor.

Referring to claim 22 Ellis shows a mask that extends laterally of the detector (figure 1). It would have been obvious to modify Ogawa to have the mask extend laterally of the detector because it will block the light that is not suppose to reach the detector and allow the light that is suppose to pass through.

Allowable Subject Matter

4) Claims 7-11 and 17-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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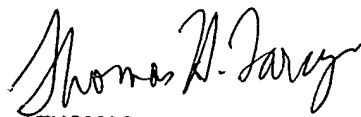
5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

LDR


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